

REMARKS

Claims 1, 2, 4-6, 9, 15-16, 20-21, 24, 31-34, 37, 43-44, 48-49, and 52 were rejected as being anticipated by Levine et al. (U.S. Patent No. 6,058,328). Claims 19 and 47 were rejected as being obvious from Levine in view of KenKnight (U.S. Patent No. 6,148,230).

Claims 3, 7-8, 10-14, 17-18, 22-23, 25-30, 35-36, 38-42, 45-46, 50-51, and 53-58 were indicated to be allowable if rewritten in independent form.

By this Amendment, the following amendments to the claims have been made:

1. Claim 1 has been cancelled and claim 3 has been amended to be independent. Claims 2 and 4-6 have been amended to be dependent on claim 3.
2. Claims 7 and 8 have been amended to independent form.
3. Claim 9 has been cancelled and claim 10 has been amended to independent form. Claims 11 and 12 have been cancelled; and claims 13 and 14 have been amended to be dependent on claim 10.
4. Claim 15 has been amended to be dependent on claim 10 and claim 16 has been cancelled.
5. Claims 17 and 18 have been amended to independent form. Claims 19-21 have been amended to be dependent from claim 18.
6. Claim 22 has been amended to independent form. Claims 23 and 24 have been cancelled.
7. Claim 25 has been amended to independent form. Claims 26-29 have been cancelled and claim 30 has been amended to be dependent from claim 25.
8. Claim 31 has been amended to recite that the T-wave analyzer controls the pacing generator to generate increased rate electrical pacing stimuli *whereby the desired physiological conditions for T-wave alternans analysis can be invoked* to facilitate the sensing of the electrical cardiac activity by the sensor. Levine is characterized as disclosing (col. 15, lines 14-30) a pacing generator that applies increased rate pacing stimuli. However, the disclosure in Levine is to apply overdrive pacing as a preemptive tachyarrhythmia therapy. Levine does not teach to increase pacing rate to invoke the desired physiological

conditions for T-wave alternans analysis. Accordingly, claim 31 distinguishes over Levine and is patentable. Claims 32-43 are also patentable.

9. Claim 44 has been cancelled and claim 45 has been amended to independent form. Claims 46-52 and 56-58 have been amended to be dependent on claim 45.

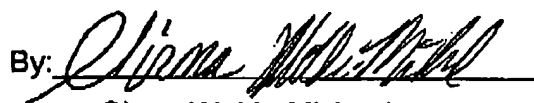
As originally filed, there were five (5) independent claims (1, 9, 16, 31, and 44). After the present amendment, there are 10 independent claims (3, 7, 8, 10, 17, 18, 22, 25, 31, and 45). Accordingly, there are five additional independent claims. The undersigned authorizes the additional fee in the amount of \$430.00 to be charged to Deposit Account No. 13-2546.

Applicant submits that all pending claims are in condition for allowance and requests that a notice of allowance should be issued in due course.

Respectfully submitted,

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